

that they have seen in the Democratic Party and the policies that are coming forward that they are rejecting because they do not want to give up their freedom. They are willing to fight for their freedom so that their children and their grandchildren know the promises of the American dream and have the opportunity to live their lives in freedom.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Tiffany P. Cunningham, of Illinois, to be United States Circuit Judge for the Federal Circuit.

VOTE ON CUNNINGHAM NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Cunningham nomination?

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

(Mr. HEINRICH assumed the Chair.)

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Arizona (Mr. KELLY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—63

Baldwin	Grassley	Portman
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Brown	Hickenlooper	Rosen
Burr	Hirono	Rounds
Cantwell	Kaine	Rubio
Capito	King	Sanders
Cardin	Klobuchar	Schatz
Carper	Leahy	Schumer
Casey	Lee	Shaheen
Collins	Lujan	Sinema
Coons	Manchin	Smith
Cornyn	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Tillis
Durbin	Murkowski	Van Hollen
Ernst	Murphy	Warner
Feinstein	Murray	Warnock
Fischer	Ossoff	Warren
Gillibrand	Padilla	Whitehouse
Graham	Peters	Wyden

NAYS—33

Barrasso	Braun	Cruz
Blackburn	Cassidy	Daines
Blunt	Cotton	Hagerty
Boozman	Cramer	Hawley

Hoeven	Marshall	Shelby
Hyde-Smith	McConnell	Sullivan
Inhofe	Moran	Thune
Johnson	Paul	Toomey
Kennedy	Risch	Tuberville
Lankford	Scott (FL)	Wicker
Lummis	Scott (SC)	Young

NOT VOTING—4

Booker	Kelly
Crapo	Sasse

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

INFRASTRUCTURE

Mr. SCHUMER. Madam President, for the past several months, both Democrats and Republicans have been hard at work putting together two major infrastructure bills to meet the challenges of the 21st century. We have proceeded along two tracks. The first track is a bipartisan infrastructure framework that has been agreed to by a group of Democrats and Republican Senators and the White House. The second track is a budget resolution with reconciliation instructions that will allow the Senate to take up the American Jobs and Families Plan and make historic investments in jobs, family support policies, and initiatives to fight climate change. This week, the Senate aims to make even more progress on these tracks.

Tonight, in a few minutes, I will file cloture on a shell bill, which will act as a legislative vehicle for the bipartisan infrastructure framework. That vote on cloture will take place on Wednesday. Again, that vote on Wednesday will be a vote on cloture simply to the motion to proceed to a debate on a bipartisan infrastructure bill.

I want to be clear about what these steps mean. There has been some confusion. What we are talking about this week is a vote on whether to proceed to debate on the bipartisan infrastructure framework. The motion to proceed on Wednesday is simply about getting the legislative process started here on the Senate floor; it is not a deadline to determine every final detail of the bill. All a "yes" vote on the motion to proceed simply means is that the Senate is ready to begin debating and amending a bipartisan infrastructure bill; no more, no less.

It is important to remember that even after the Wednesday cloture vote, there are up to 30 hours of debate before we can adopt the motion to proceed and offer amendments.

So let me be very clear about what I am committing to the Senate as majority leader. If the bipartisan group of Senators reaches a final agreement on legislative text by Thursday, I will make that agreement the pending substitute amendment for debate once the motion to proceed is adopted. If for some reason the group does not finalize

the legislative text to the agreement in time for Thursday, then I will offer an amendment consisting only of the elements of the bill that have already been put through committee on a bipartisan process. This will allow this Senate to begin debate and amendments on the bipartisan base bill, which has four main components:

First, the Environment and Public Works Committee report of the water bill. This bill passed by a voice vote in committee and then 89 to 2 on the Senate floor.

Second, the Environment and Public Works Committee report of the highway bill. This passed by 20 to nothing.

Third, the Commerce Committee report on the rail and safety bill. This bill passed by 25 to 3.

Fourth, the Energy and Natural Resources Committee report of the Energy bill. This passed 13 to 7.

Again, if the text of the bipartisan deal is ready on Thursday, I will offer it as the first substitute amendment. If for some reason it is not, I will offer an amendment that consists only of the elements of the bill that have gone through committee with substantial bipartisan support, the four pieces that I mentioned just a second ago.

Now, I have spoken with the five leading Democratic negotiators: Senators SINEMA, WARNER, TESTER, SHAHEEN, and MANCHIN. They support this approach.

I would remind my colleagues, moving to proceed to a legislative vehicle, a shell bill, for bipartisan legislation, even while the negotiators finalize the text of that legislation, is a routine process in this Chamber. We have done it repeatedly. It is a sign of good faith from both sides that negotiations will continue in earnest and both sides are committed to reaching an outcome.

Earlier this year, the Senate moved forward on a vehicle—a legislative vehicle—for what became the COVID-19 Hate Crimes Act. In fact, we went through the same process when the Senate moved to proceed to the legislative vehicle for what ultimately became the United States Innovation and Competition Act. In that legislation, our Senate committees were working on various bills that all had to do with American innovation and competition.

The Commerce Committee reported out the Endless Frontier Act. The Foreign Relations Committee reported out the Strategic Competition Act. And the Homeland Security Committee reported out additional pieces of legislation. We put them together once we voted to proceed to debate on the topic. The same thing—the very same thing is happening on the bipartisan infrastructure bill.

I understand that both sides are working very hard to turn the bipartisan infrastructure framework into final legislation, and they will continue to have more time to debate, amend, and perfect the bill once the Senate votes to take up this crucial issue.